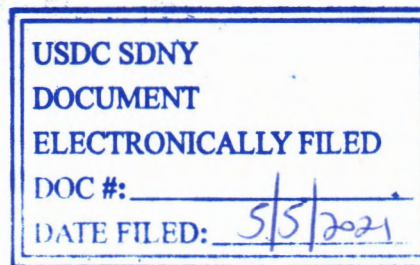


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MARVIN PEARLSTEIN, individually and
on behalf of all others similarly situated,

Plaintiff,

13 Civ. 7060 (CM)(KHP)

-against-

BLACKBERRY LIMITED (f/k/a/ RESEARCH
IN MOTION LIMITED), THORSTEN HEINS,
BRIAN BIDULKA and STEVE ZIPPERSTEIN,

Defendants.

ORDER TEMPORARILY GRANTING MOTIONS TO SEAL AND
DIRECTING RESPONSE FROM THIRD PARTY WITNESSES
ERNST AND YOUNG, U.S. CELLULAR, AND T-MOBILE

McMahon, J.:

Presently pending before the court are motions by both plaintiff and defendants seeking permission to file under seal, as part of their summary judgment and related *Daubert* motions, documents and testimony that were designated “confidential” during discovery by third party witnesses Ernst and Young (Blackberry’s accountants), U.S. Cellular, and T-Mobile (the “Third Party Witnesses”). (Dockets ## 503 and 556). The Third Party Witnesses have not consented to requests that the confidential status of this information be lifted. Therefore, the court must decide whether and to what extent this material can be redacted from the public record, in light of the presumption of public access to all litigation materials.

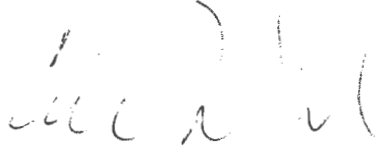
In order to facilitate the making of that decision:

- (1) All parties may temporarily file under seal any document submitted in connection with their summary judgment motions and responses, or related *Daubert* motions, that contain what I will call “Third Party Confidential Material.” A hard copy of any document containing redactions must be provided to chambers.
- (2) All parties must publicly file redacted versions of the documents that are temporarily filed under seal, with the Third Party Confidential Material redacted.
- (3) The Third Party Witnesses must file with the court, no later than Friday, May 28, 2021 at 5 PM, a memorandum explaining, on an item by item basis, why each redaction of

its documents and/or testimony should remain confidential. The court will consider those submissions and make final rulings on the confidentiality of the redacted material.

- (4) Counsel for Defendants shall notify counsel for the Third Party Witnesses of this order, and shall place on the ECF record proof that they have done so.
- (5) The failure by any Third Party Witness to respond in accordance with paragraph 3 of this order will result in the immediate unsealing of redacted information pertaining to said non-responding Third Party Witness.

Dated: May 5, 2021



U.S.D.J.

BY ECF TO ALL COUNSEL